

Having trouble finding an empty stall in TTC washrooms? Funny. The cops never seem to have any problem...

Gays under 21 protected by Code too, says Rights Commission

MONTREAL — A report recently released by the Quebec Human Rights Commission concludes that the legal status of gay youth is equal to that of young heterosexuals.

Following the refusal by *La Presse* to print an advertisement from Jeunesse Gaie de Montréal (JGM — Montreal Gay Youth), the group asked the Commission if the amendment adding sexual orientation to the Quebec Human Rights Charter applies to persons under 21 years old, in view of the fact that certain statutes of the Canadian Criminal Code make homosexual sex for them illegal.

A three-page "Opinion of the Human Rights Commission regarding homosexuals under 21 years old" was drafted in response to their request.

Perhaps the most significant aspect of the report is the clarification that "whatever their age, homosexuals cannot be

prohibited access to public places." This would seem to indicate that *La Presse* did indeed contravene the Charter in refusing JGM's advertisement because "we don't accept this kind of ad." (see *TBP*, August 1978)

The report noted, however, that since "age, at the moment, is not a prohibited basis for discrimination in the Charter", someone denied housing because of his/her age would not be protected by the Charter.

In any case, the report ruled that "the legal status of 'young gays' in relation to that of 'young heterosexuals' is therefore the same, at least in the area covered by the Human Rights Charter."

In the meantime, the Commission's investigation into the complaint lodged against *La Presse* by JGM continues. An initial report will be released shortly.

by Stuart Russell □

Police entrapment in park, washroom gets two convictions

TORONTO — Two cases of police entrapment of gay men have come to the attention of *TBP* lately. In both cases the charged men pleaded guilty. Although one man was given an absolute discharge, the other, a British actor performing in Canada, was deported.

Criminal lawyer Thomas Wiley is appealing the January 1978 entrapment conviction of British actor Ian Barrett. He was arrested in a Toronto Transit Commission washroom at Bloor and Sherbourne.

Barrett, 33, did not have a lawyer when he appeared in provincial criminal court. After consulting with the crown attorney, he decided to plead guilty to the charge of committing an indecent act.

Although the crown attorney requested that Barrett be given a discharge since he had no criminal record, Provincial Court Judge Vincent McEwan sentenced the actor to six days in jail — an unusually severe sentence.

Barrett had entered the TTC washroom and gone into a cubicle. A man in the next cubicle made contact with his foot, and Barrett passed him a note asking his interests. The man replied that it was his first time. Barrett then exposed himself under the partition, whereupon the other man identified himself as a police officer and placed Barrett under arrest.

In sentencing, Judge McEwan stated that general deterrence required a severe penalty in Barrett's case, and that the public washroom in question was "simply notorious, and required a police officer to be there at all times."

Barrett served only one day in custody before being released on bail pending appeal. He was deported to England because of his newly gained criminal conviction.

McEwan is the same judge who infuriated feminists and their supporters a year and a half ago by saying that a woman past the age of 40 was not a reliable witness because of menopause.

In a similar but unrelated case, Bruce Davidson, 35, of Toronto, pleaded guilty July 21 in County Court to common assault, a charge arising out of a police entrapment incident in August 1977.

According to Davidson, he had been cruising in High Park and noticed a man in shorts, with his shirt open, lying on a park bench stroking himself and staring at Davidson. Eventually Davidson approached and was enticed into tentatively touching the man who then identified himself as a police officer. Davidson was arrested and charged with indecent assault, an extremely serious indictable offence that carries a maximum ten-year sentence.

In an arranged plea bargain, Davidson

pleaded not guilty to the charge of indecent assault, but guilty to the lesser included charge of common assault.

His Honour Judge F J Greenwood stated that the circumstances disclosed some ambiguity, and although a finding of guilt was made, Davidson received an absolute discharge. Technically, he does not have a criminal conviction.

TBP advises its readers to exercise caution while cruising. As well, the Barrett case in particular underlines the dangers of pleading guilty without the benefit of competent legal advice.

In postscript to the above, the Criminal Lawyers Association published an account of the Barrett case in a recent issue of their newsletter. Cases in which sentencing has been particularly harsh or where the judge has made prejudicial remarks, are frequently noted by the Association for the benefit of its members.

by Paul Trollope □

Bryant tries again, fourth visit planned

LONDON — Gay groups in this Ontario city are gearing up to protest the appearance September 10 of Anita Bryant, the well known representative of homophobic forces in the US.

Her appearance, described as a "singing engagement", will take place at 3 PM in London Gardens. The London Coalition to Answer Anita Bryant is planning a large demonstration for that afternoon.

The Coalition had been formed May 23 in response to the singer's imminent arrival in the city. That tour had been cancelled, however, when Bryant contracted a throat ailment.

This is Bryant's fourth visit to Canada. Previous tours included Toronto, Peterborough, Winnipeg, Edmonton and Moose Jaw.

In each case, her appearance has had a galvanizing effect on the gay community, and has sparked some of the largest gay demonstrations in Canadian history.

Eileen Renton of London's Gay Action Group for Equality says, "A large turnout for the demo will be a breakthrough for this community. We're asking groups from across the province to support the coalition by sending people to join in the rally." □

Law firm admits bias against gays

TORONTO — Ontario's legal profession has a lot to learn about open gays in law, or so it seems from a recent visit by one of Toronto's best-known law firms to Osgoode Hall Law School.

On a recruiting trip to Osgoode to discuss the process of articling, lawyer D Murray Paton of McCarthy and McCarthy was asked about his firm's attitude toward women in the profession. McCarthy and McCarthy is one of the largest and traditionally most arrogant corporate law firms in the country.

Asked about the firm's position on hiring women, Paton replied that McCarthy's did not discriminate against women and that "we're onto bigger and better things now, like homosexuality. The problem isn't with women any more, but with homosexuals." Paton added that his firm had received several

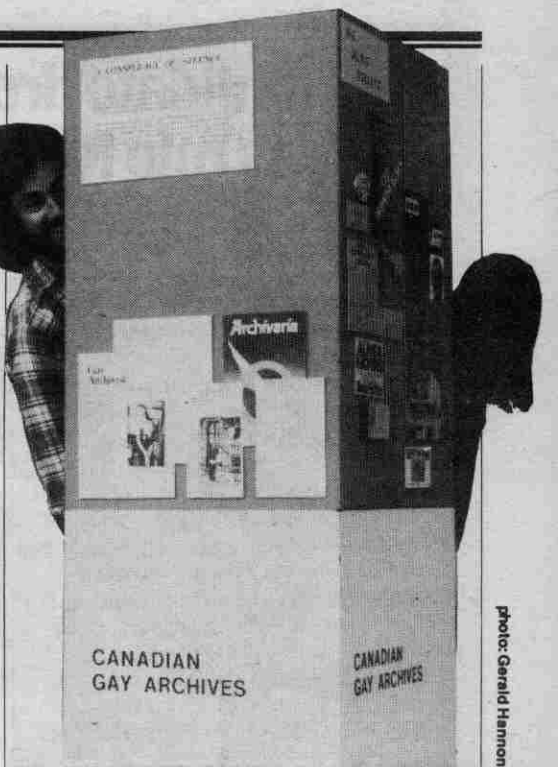


photo: Gerald Hammon

Gay Archives collective members James Fraser and Joan Anderson lie in wait for unsuspecting visitors to the civic displays outside Toronto's City Hall on Simcoe Day, August 7.

The Archives kiosk was strategically located between an exhibit by the Toronto Police and the Toronto Transit Commission.

"The display attracted a lot of attention," said Fraser. "In fact, some people returned five or six times!"

applications for articling positions from apparently openly gay people during the past year. "I'm wondering," he said, "whether they wanted a job or a confrontation."

Paton's statement was taken by those in attendance to mean that in his view students wanting a job with his firm should not expect to get one if they indicated on their application that they were gay or had been involved in gay activities.

Last fall the Ontario legal profession voted in effect to continue to discriminate against gay people within the profession. A motion to make sexual orientation a prohibited ground of discrimination in the profession's code of ethics was brought by members of the Law Union of Ontario but was narrowly defeated by a margin of six votes.

by Paul Trollope □

Bryantism and Wages Due: Recruiting within our movement

Analysis by Ken Popert

It has taken a long time to bubble up to the surface — I probably didn't want to think about it — but the thought just can't be ignored any more: Anita Bryant and Claire Hoy are not just lurking out there, in the land of one-toothpaste families. They are busy recruiting within our movement.

I was finally forced to face this unpleasant reality at the recent Halifax conference. I listened as Neil Glickman, sponsored by Wages Due Lesbians, informed a workshop that lesbian mothers could justifiably support Anita Bryant. After all, if they don't put the welfare of their children first, what kind of mothers are they?

Later, I heard Wages Due spokesperson Ellen Agger reinforce the same proposition during a conference plenary session with this ugly flourish: "A kid on Yonge Street gets murdered by three faggots." To her credit, when confronted, she apologized for the phrase.

These two incidents unsubtly and unambiguously confirm the growth of Bryantism in Wages Due politics.

The trend has been many months in the making. Wages Due representatives created a storm among organizers of last January's anti-Bryant protest by insisting on the adoption of the slogan, "No recruitment, gay or straight." (They lost.) That same month, in a letter to the

editor of *The Toronto Star*, Wages Due spokesperson Francie Wyland, referring to the raid on *The Body Politic* and to Bryant's campaign, wrote: "At issue is the children's right to freedom from sexual coercion by any man, straight or homosexual."

Now that is Bryant's line, that children are the issue. Of course, if children were the issue, Bryant would primarily be concerned with the major source of child abuse: the heterosexual, patriarchal family. But she is not interested in that; the save-our-children theme is a mask behind which hide the organizers of opposition to the gay, lesbian and women's movements.

As for the Wages Due slogan, "No recruitment, gay or straight," it implicitly encourages the false and dangerous notions that sexual orientation is a matter of persuasion and that recruitment is possible. These false beliefs are used against us by the Bryants and Hoyes of the world to good effect.

The adoption of the child-recruitment focus is not the only respect in which Wages Due Lesbians fall in with the enemies of gay and lesbian liberation. They have a decidedly negative attitude towards coming out. The literature distributed by Wages Due invariably associates coming out with loss — of job, home, children. By dwelling on these possible evil consequences to the exclusion of any other consideration,

Wages Due are effectively counselling lesbians to stay in the closet.

Coming out is a critical point of attack for our enemies. They understand that closetry, successfully encouraged, would mean the dissolution of our movement and the abolition of our community. That is why the more intelligent elements of the Right are fond of the I-have-nothing-against-them-as-long-as-they-stay-in-the-closet refrain.

Looking back on the history of their participation in the gay and lesbian movements, I am not surprised that Wages Due have become the vehicle of conservative and reactionary ideas and, especially, of Bryantism. Their public rhetoric has always been remarkable for its dependence on Victorian folklore: the Sanctity of Motherhood, the Innocence of Children, the Frailty of Woman. And, often enough, their politics have seemed an exercise in soap-operatic sentimentality. It is not an accident that Wages Due have chosen lesbian motherhood as their entrée into the gay movement.

It is in the nature of political struggle that mistakes are made, false theories invented, wrong actions taken. But when the mistakes all trend in the same direction, it is time to look more closely. In a future column, I will examine the question of why Wages Due will inevitably take backward positions on many gay and lesbian issues. □